

101 Merrow Road, LLC. )  
Androscoggin County )  
Auburn, Maine )  
A-207-71-H-R )

**Departmental  
Findings of Fact and Order  
Air Emission License**

After review of the air emissions license renewal application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

**I. REGISTRATION**

**A. Introduction**

101 Merrow Road, LLC (Merrow) of Auburn, Maine has applied to renew their Air Emission License, permitting the operation of fuel burning equipment at the building they own. Previously the air emissions license (A-207-71-D-R) was issued to Shaer Shoe Company, which changed its name to Dyeables Inc., and included process emissions from the various shoe manufacturing process. It has been determined that Dyeables no longer needs an air emission license and that 101 Merrow Road, LLC. will retain responsibility and ownership of the two oil-fired boilers that remain in the building.

**B. Emission Equipment**

101 Merrow Road, LLC is authorized to operate the following air emission units:

**Fuel Burning Equipment**

<b><u>Equipment</u></b>	<b><u>Maximum Capacity (MMBtu/hr)</u></b>	<b><u>Fuel Type, %Sulfur</u></b>	<b><u>Maximum Firing Rate (gal/hr)</u></b>	<b><u>Stack #</u></b>
Boiler #1	11.7	#6, 2.0%	97.6	1
Boiler #2	10.0	#6, 2.0%	93.5	1

The previously licensed process equipment operated as part of Dyeables Inc. is no longer included in this renewal air emissions license for 101 Merrow Road, LLC. Dyeables Inc. no longer rents space from Merrow and has moved to another location. The current process emissions from Dyeables Inc. are less than the thresholds for licensing.

C. Application Classification

The application for Merrow does not include the licensing of increased emissions or the installation of new or modified equipment, therefore the license is considered to be a renewal of current licensed emission units only.

## II. BEST PRACTICAL TREATMENT (BPT)

A. Introduction

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent best practical treatment (BPT), as defined in Chapter 100 of the Air Regulations. Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

B. Fuel Burning Equipment

Merrow operates Boilers #1 and #2 primarily for facility hot water and heating needs. Boiler #1 has a maximum design heat input capacity of 11.7 MMBtu/hr firing #6 fuel oil, with a maximum sulfur content not to exceed 2.0% by weight. Boiler #2 has a maximum design heat input capacity of 10.0 MMBtu/hr firing #6 fuel oil, also with a maximum sulfur content not to exceed 2.0% by weight. Boilers #1 and #2 were both manufactured prior to 1989 and are therefore not subject to EPA New Source Performance Standards (NSPS) Subpart Dc.

The regulated pollutants emitted from Boilers #1 and #2 are particulate matter (PM), particulate matter with a diameter smaller than ten microns (PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), and volatile organic compounds (VOC). Based on the relatively small size of Boilers #1 and #2, and the quantity of pollutants that could potentially be emitted, it is determined by the Bureau of Air Quality that any add on pollution control device would be economically unjustified. Therefore, BPT for Boilers #1 and #2 shall be the firing of #6 fuel oil with a maximum sulfur content not to exceed 2.0%.

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C. Facility Emissions and Fuel Use Caps

Merrow shall not use more than 150,000 gallons per year of #6 fuel oil with a maximum sulfur content not to exceed 2.0% by weight. Emissions from the facility shall not exceed the following totals based on maximum operation.

**Total Allowable Annual Emissions for the Facility**  
(used to calculate the annual license fee)

<b>Pollutant</b>	<b>Tons/year</b>
PM	2.3
PM <sub>10</sub>	2.3
SO <sub>2</sub>	22.6
NO <sub>x</sub>	5.6
CO	0.4
VOC	0.2

**IV. AMBIENT AIR QUALITY ANALYSIS**

According to the Maine Regulations Chapter 115, the level of air quality analyses required for a minor source shall be determined on a case-by-case basis. Based on the information available in the file, and the similarity to existing sources, Maine Ambient Air Quality Standards (MAAQS) will not be violated by this source.

**ORDER**

Based on the above Findings and subject to conditions listed below the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-207-71-H-R, subject to the following conditions:

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (Title 38 MRSA §347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115.
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both.
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request.
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353.
- (6) The license does not convey any property rights of any sort, or any exclusive privilege.
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions.
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request.
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned

changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license.

- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license.
- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
  - (i) perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
    - a. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
    - b. pursuant to any other requirement of this license to perform stack testing.
  - (ii) install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
  - (iii) submit a written report to the Department within thirty (30) days from date of test completion.
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
  - (i) within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
  - (ii) the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and

- (iii) the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.
- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement.
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation.
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status.

#### **SPECIFIC CONDITIONS**

- (16) Merrow shall not exceed the following emissions for boilers #1 and #2.

<b>Equipment</b>		<b>PM</b>	<b>PM<sub>10</sub></b>	<b>SO<sub>2</sub></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>VOC</b>
Boiler #1	lb/MMbtu	0.20	-	-	-	-	-
	lb/hour	2.3	2.3	23.5	5.6	0.35	0.11
Boiler #2	lb/MMbtu	0.20	-	-	-	-	-
	lb/hour	2.0	2.0	20.0	5.0	0.30	0.10

- (17) Visible emissions from Boilers #1 and #2 shall not exceed an opacity limit of 30% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a 3-hour period.

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- (18) Merrow shall limit fuel use to less than 150,000 gallons per year of #6 fuel oil with a maximum sulfur content not to exceed 2.0% by weight. Fuel use records shall be kept, to include sulfur content of the fuel burned, and made available to the Department upon request.
- (19) For emission units which do not have emission factors or emission unit limits and requirements specified within the Air Emission License, the licensee shall maintain such records as a method of compliance which accurately demonstrate actual emissions from these emission units.
- (20) For Insignificant or Trivial Activities, pursuant to Chapter 115, the licensee shall have on file at the facility a demonstration of the total emissions from the insignificant or trivial activities not addressed in the Air Emission License for all regulated pollutants.
- (21) Merrow shall pay the annual air emission license fee within 30 days of September 30<sup>th</sup> of each year. Pursuant to Title 38-353-A, failure to pay this annual fee in the stated timeframe is sufficient grounds for revocation of the license under 38 MRSA 341-D, subsection 3.
- (22) The term of this order shall be for five (5) years from the signature date below.

DONE AND DATED IN AUGUSTA, MAINE THIS        DAY OF        2003.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_  
BROOKE E. BARNES, ACTING COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: August 6, 2002

Date of application acceptance: August 20, 2002

Date filed with Board of Environmental Protection: \_\_\_\_\_

This order prepared by Edwin Cousins, Bureau of Air Quality